

FILED

08 APR 23 PM 3:39

RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Christine Chang Pro Se, individually
And Eric Sun, disabled
341 Tideway Drive #214
Alameda, CA 94501
Telephone: (510) 769-8232

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTINE CHANG, individually)
and ERIC SUN, disabled)

Plaintiffs,)

vs.)

ROCKRIDGE MANOR)
CONDOMINIUM et al.)

Defendants.)

Case No: C-07-4005 EMC

PLAINTIFFS' REQUEST
FOR EXTENSION TO
FILE CONSOLIDATED
APPEAL OF COURT ORDER
GRANTING DEFENDANTS
ROCKRIDGE MANOR
CONDOMINIUM'S MOTION
TO DISMISS AND SUMMARY
JUDGMENT; AND COURT
ORDER GRANTING PLAINTIFF
CHANG'S REQUEST TO
CONTINUE OPPOSITION TO
DEFENDANT ROCKRIDGE
MANOR CONDOMINIUM
MANAGER AMMANN'S
MOTIONS TO DISMISS AND
FOR SUMMARY JUDGMENT

Date:

Time:

Courtroom:

Judge:

INTRODUCTION

1
2 1. Plaintiff Christine Chang filed "Plaintiffs' appeal of court order granting
3 Defendants Rockridge Manor Condominium's motion to dismiss and summary
4 judgment", on February 29, 2008. It was construed as a notice of appeal to the
5 Ninth Circuit.

6 2. Plaintiff Chang clarified with the District Court that the "appeal" was actually
7 for reconsideration scheduled to be heard on April 23. Subsequently upon the request
8 of Judge Chen's Courtroom Deputy, Ms. Betty Fong, Plaintiff Chang submitted the
9 corrected "reconsideration" on March 7, 2008.

10 3. On March 11, Judge Chen denied Plaintiffs' motion to reconsider the court
11 order granting the Defendants dismiss and summary judgment (**EXHIBIT A**).

12 4. According to Judge Chen's order granting Defendants dismiss and summary
13 judgment Plaintiff Chang believed Judge Chen was bias and prejudice and in favor of
14 Defendants, therefore, filed motion for Judge Chen's recusal on March 24 (**EXHIBIT B**
15 Affidavit of Plaintiffs), in order for another judge to hear the case. Plaintiffs' motion was
16 denied by Judge Chen on March 31.

17 **PLAINTIFFS' REQUEST FOR EXTENSION TO FILE CONSOLIDATED APPEAL**

18 5. The Defendants Rockridge Manor Condominium have multiple entities and
19 individuals. The amended order granting dismiss and summary judgment to most of
20 the Defendants Rockridge Manor Condominium, except for the Manager Eva Ammann.

21 6. The multiple Defendants Rockridge Manor Condominium have been represented
22 by two separate law firms. The complications of Defendants Rockridge Manor
23 Condominium multiple entities and individuals resulted in two separate law firms
24 representing these Defendants.

25 7. The law firm representing Defendant Ammann served its reply to Plaintiffs amended
26 complaint on March 22. Plaintiffs' opposition has been granted continuance to May 21.

1 8. Because Judge Chen has granted dismiss and summary judgment to the majority of
2 Defendants Rockridge Manor Condominium, and denied Plaintiffs' reconsideration on
3 March 11, Plaintiffs believe that Defendant Ammann will be granted dismiss and summary
4 judgment in May 2008 on the similar basis of situation and ground.

5 9. Plaintiffs request for extension to file consolidated appeal including both parties
6 of Defendants Rockridge Manor Condominium represented by two separate law firms.

7 **CONCLUSION**

8 10. Plaintiffs pray for the extension be granted to file consolidated appeal including
9 both parties of Defendants Rockridge Manor Condominium represented by two separate
10 law firms but the same coverage of Farmers Insurance Exchange.

11 11. Although there will be two separate judgments granted in two separate dates
12 to these Defendants represented by two separate law firms, they are the same group
13 of Defendants being granted dismiss and summary judgment decided by similar situation
14 and ground, and by the same action and court.

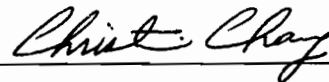
15 12. It will be prejudice to Plaintiffs if required to file separate appeals against
16 the Defendants Rockridge Manor Condominium simply because the two separate law
17 firms filed replies and received dismiss/summary judgment on two different dates.

18 13. It will also burden the Appeals Court to hear two separate appeals for the same
19 Defendants group on the similar situation and ground.

20 **DECLARATION**

21 14. I declare under penalty of perjury under the laws of the State of California that
22 the foregoing is true and correct to the best of my knowledge.

23 Executed on April 23, 2008, in Alameda, California.

24
25 

26 Christine Chang, Plaintiff

CERTIFICATE OF SERVICE

I, CHRISTINE CHANG, hereby certify that on April 23, 2008, I forwarded a true and correct copy of:

Plaintiffs' request for extension to file consolidated appeal of court order granting Defendants Rockridge Manor Condominium's motion to dismiss and summary judgment; and court order granting Plaintiff Chang's request to continue opposition to Defendant Rockridge Manor Condominium Manager Ammann's motion to dismiss and summary Judgment.

to Defendants' Counsels by placing a true copy and thereof in a sealed envelope with first class postage prepaid and addressed as follows:

Gaylynn Kirn Conant
Lombardi, Loper & Conant, LLP
Lake Merritt Plaza
1999 Harrison Street, Suite 2600
Oakland, CA 94612-3541

Paul A. Conroy
Allman & Nielsen
100 Larkspur Landing Circle
Suite 212
Larkspur, CA 94939

Lee J. Danforth
Coddington, Hicks & Danforth
555 Twin Dolphin Drive, Suite 300
Redwood Shores, Redwood City,
California 94065-2133

Andrew Adler
Boornazian, Jensen Garthe
555 12th Street, Suite 1800
Oakland, CA 94607

Albert F. Coombes
15915 Ventura Blvd., Penthouse 4
Encino, CA 91436

Edward Rodzewich
Valvrian, Patterson and Stratman
1650 Harbor Parkway, Suite 100
Alameda, CA 94502

I caused such envelopes to be placed for collection and mailing in the United States Mail at San Francisco, California.

Dated: April 23, 2008

By 
Christine Chang, Plaintiff

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTINE CHANG, *et al.*,

No. C-07-4005 EMC

Plaintiffs,

v.

**ORDER DENYING PLAINTIFFS'
MOTION TO RECONSIDER**

ROCKRIDGE MANOR CONDOMINIUM, *et al.*,

(Docket No. 123)

Defendants.

Plaintiffs have filed a document titled "Appeal of Court Order Granting Defendant[] Rockridge Manor Condominium's Motion to Dismiss . . . and Granting Defendant[] Rockridge Manor Condominium's Motion for Summary Judgment." The Court construed this as a notice of appeal to the Ninth Circuit but subsequently Plaintiffs clarified that they were asking this Court to reconsider its order. Having reviewed the parties' briefs and accompanying submissions, the Court hereby **DENIES** Plaintiffs' motion to reconsider.

Motions to reconsider are governed by Civil Local Rule 7-9. Plaintiffs have failed to meet the standard laid out in Rule 7-9(b), and for that reason alone the motion to reconsider is denied. Even if the Court were to consider the merits of the motion, the motion would still be denied. As the Court stated in its order granting summary judgment to the Homeowners Association, there is no genuine dispute of material fact that the release and covenant not to sue that Plaintiffs signed with the Homeowners Association in February 2005 bars all claims now asserted against the Homeowners Association. Also, as the Court stated in its order granting the Homeowners Association's motion to dismiss, the claim for conspiracy to defraud is fantastic, speculative, and

United States District Court

For the Northern District of California


1 implausible. Nothing that Plaintiffs have submitted in their motion to reconsider (*e.g.*, the
2 allegations that the Rockridge individual defendants "corrupted" Plaintiffs' attorney, Mr. Allen, and
3 manipulated the two state lawsuits through September 2005) alters these conclusions.

4 The Court therefore denies Plaintiffs' motion to reconsider, and the hearing on the motion to
5 reconsider set for April 23, 2008 is hereby **VACATED**. The Clerk of the Court shall inform the
6 Ninth Circuit that Plaintiffs' notice of appeal was erroneously filed. There is **no** appeal pending on
7 any of the Court's orders, at least not as of the date below.

8 This order disposes of Docket No. 123.

9
10 IT IS SO ORDERED.

11
12 Dated: March 11, 2008

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14 
15 _____
16 EDWARD M. CHEN
17 United States Magistrate Judge
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By: /s/
Betty Fong
Deputy Clerk

Orders on Motions

3:07-cv-04005-EMC Chang v. Rockridge Manor Condominium et al
ADRMOP, APPEAL, E-Filing, ProSe

U.S. District Court
Northern District of California
Notice of Electronic Filing or Other Case Activity

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If there are two hyperlinks below, the first will lead to the docket and the second will lead to an e-filed document.

If there is no second hyperlink, there is no electronic document available .

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The following transaction was received from entered on 3/11/2008 10:53 AM and filed on 3/11/2008

Case Name: Chang v. Rockridge Manor Condominium et al

Case Number: 3:07-cv-4005

Filer:

Document Number: 129

Docket Text:

ORDER by Judge Edward M. Chen denying [128] Motion for Reconsideration re [123] Notice of Appeal filed by Eric Sun, Christine Chang, [128] MOTION for Reconsideration filed by Christine Chang (bpf, COURT STAFF) (Filed on 3/11/2008)

3:07-cv-4005 Notice has been electronically mailed to:

Andrew Raymond Adler aadler@bjg.com

Sara B. Allman all-niel@comcast.net

Richard Stuart Baum RBaum@CHDLawyers.com

Gaylynn Kirn Conant gkc@llcllp.com, jonig@llcllp.com

Albert Frank Coombes coombeslaw@aol.com

Lee J. Danforth, Esq LDanforth@CHDLawyers.com

Edward Joseph Rodzewich Edward.Rodzewich@farmersinsurance.com

3:07-cv-4005 Notice has been delivered by other means to:

Christine Chang
341 Tideway Drive #214
Alameda, CA 94501

Eric Sun

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:G:\EMCall\Civil 2007\C07-4005 EMC Chang v. Rockridge\Order - P's Mot to Reconsider #123.frm.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=3/11/2008] [FileNumber=4207890-0]
[5cb30ffa616cf669f0db3c21ed0c901cf6c335b47ccfb72a504b59a108347e9b28add
31873aada9c33dc705c19e67514800ec58b5fb24ee0767a4a0f625a9565]]

EXHIBIT B

**ORIGINAL
FILED**

08 MAR 24 PM 3:46

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA**

Christine Chang Pro Se, individually
and Eric Sun, disabled
341 Tideway Drive #214
Alameda, CA 94501
Telephone: (510) 769-8232

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CHRISTINE CHANG, individually
and ERIC SUN, disabled

Plaintiffs,

vs.

ROCKRIDGE MANOR
CONDOMINIUM et al.

Defendants.

Case No: C-07-4005 EMC

AFFIDAVIT OF PLAINTIFFS
IN SUPPORT OF MOTION
FOR JUDGE CHEN'S
RECUSAL BASED ON
PERSONAL BIAS AND
PREJUDICE AND IN FAVOR
OF ADVERSE PARTY.
28 U.S.C.S. SECTION 144

Date:

Time:

Courtroom:

Judge:

I, Christine Chang, declare as follows:

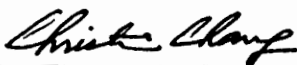
I am the Plaintiff of this current action Chang v. Rockridge Manor Condominium
et al., and mother of Plaintiff Eric Sun.

1 Plaintiffs request recusal of this Court based on personal bias and prejudice
2 and in favor of adverse party. Pursuant to 28 U.S.C.S. Section 144 which provides
3 in pertinent part that whenever a party to any proceeding in a district court makes
4 and files a timely and sufficient affidavit that the judge before whom the matter
5 is pending has a personal bias or prejudice either against him or in favor of any
6 adverse party, such judge shall proceed no further therein, but another judge shall
7 be assigned to hear such proceeding.

8 Court Order filed on February 13, 2008, which stated Plaintiffs as "fantastic
9 conspiracy, ultimately nothing more than speculation, patently fanciful and
10 insubstantial, fantastic or delusional scenarios, forma pauperis, so implausible
11 fantastic, sheer speculation lacking plausibility, fantastic, speculative and
12 implausible.

13 Plaintiffs find the Court statements to be bias, prejudice, and the Court's
14 Order granting Defendants Rockridge Manor Condominium, Homeowners
15 Association, Board of Directors, President Charles Blakeney, and Charles
16 Blakeney's motions to dismiss and summary judgment to be in favor of adverse
17 party.

18 I declare under penalty of perjury, under the laws of the State of California,
19 that the foregoing is true and correct. Executed this 24 day of March, 2008,
20 at Alameda, California.

21 
22 _____
Christine Chang, Plaintiff

CERTIFICATE OF SERVICE

I, CHRISTINE CHANG, hereby certify that on March 24, 2008, I forwarded a true and correct copy of:

1. Plaintiffs motion for Judge Chen's recusal
2. Affidavit of Plaintiffs in support of motion for recusal
3. Declaration of Plaintiff Chang in late service of Defendant Eva Ammann

to Defendants' Counsels by placing a true copy and thereof in a sealed Envelope with first class postage prepaid and addressed as follows:

Gaylynn Kirm Conant
Lombardi, Loper & Conant, LLP
Lake Merritt Plaza
1999 Harrison Street, Suite 2600
Oakland, CA 94612-3541

Paul A. Conroy
Allman & Nielsen
100 Larkspur Landing Circle
Suite 212
Larkspur, CA 94939

Lee J. Danforth
Coddington, Hicks & Danforth
555 Twin Dolphin Drive, Suite 300
Redwood Shores, Redwood City,
California 94065-2133

Andrew Adler
Boornazian, Jensen Garthe
555 12th Street, Suite 1800
Oakland, CA 94607

Albert F. Coombes
15915 Ventura Blvd., Penthouse 4
Encino, CA 91436

Edward Rodzewich
Valvrian, Patterson and Stratman
1650 Harbor Parkway, Suite 100
Alameda, CA 94502

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Dated: March 24, 2008

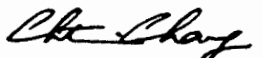
By 
Christine Chang, Plaintiff

EXHIBIT C

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTINE CHANG, *et al.*,

No. C-07-4005 EMC

Plaintiffs,

v.

ROCKRIDGE MANOR CONDOMINIUM, *et al.*,

Defendants.

**ORDER GRANTING PLAINTIFF
CHANG'S REQUESTS TO CONTINUE
OPPOSITION TO DEFENDANT
ZIMBA'S MOTION TO DISMISS AND
TO DEFENDANT AMMANN'S
MOTIONS TO DISMISS AND FOR
SUMMARY JUDGMENT**

(Docket Nos. 161 and 162)

Plaintiff Christine Chang has asked the Court for extension of time to file oppositions to Defendant Pamela Zimba's motion to dismiss and Defendant Eva Ammann's motions to dismiss and for summary judgment. Ms. Chang has also asked that the hearing date for these motions be continued. Having reviewed Ms. Chang's request and having received no substantive opposition from either defendant (after inquiry by the Court), the Court hereby **GRANTS** Ms. Chang's requests.

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///

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Ms. Chang's oppositions shall be filed *and* served by May 21, 2008.¹ Reply briefs by the defendants shall be filed *and* served by May 28, 2008. The hearing on the motions is **VACATED** and, absent further notice, the Court shall rule on the motions based on the papers.

IT IS SO ORDERED.

Dated: April 10, 2008



EDWARD M. CHEN
United States Magistrate Judge

¹ Counsel for Ms. Zimba informed that the Court that he was amenable to an extension so long as Ms. Chang was required to serve her opposition papers by fax or e-mail on May 21, 2008. The Court refers all parties to Civil Local Rule 5-5, which provides as follows for cases not subject to electronic filing (as here):

Whenever, by Court order or under these local rules, a pleading or other paper must be "served" upon the attorney for a party or the party by a certain date or time, the serving party must comply with one of the following procedures *on or before the due date*:

- (1) The pleading or paper must be *actually delivered* to the receiving attorney or party within the meaning of FRCP 5(b) *on or before the due date*. Delivery to a party may be made by private or commercial delivery service or electronically, such as by facsimile transmission or electronic mail; or
- (2) If the serving party elects to send the pleading or paper by mail, it must be *mailed 3 days before the due date*, except that service by mail may not be used if a Local Rule requires delivery of a pleading or paper.

Civ. L.R. 5-5(a) (emphasis added).

United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTINE CHANG, *et al.*,
Plaintiffs,

No. C-07-4005 EMC

v.

CERTIFICATE OF SERVICE

ROCKRIDGE MANOR CONDOMINIUM, *et al.*,
Defendants.


I, the undersigned, hereby certify that I am an employee in the U.S. District Court, Northern District of California. On the below date, I served a true and correct copy of the attached, by placing said copy/copies in a postage-paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail; or by placing said copy/copies into an inter-office delivery receptacle located in the Office of the Clerk.

Christine Chang
341 Tideway Drive #214
Alameda, CA 94501

**ALL OTHER COUNSEL SERVED VIA
ELECTRONIC FILING**

Dated: April 10, 2008

RICHARD W. WIEKING, CLERK

By: 
Betty Fong
Deputy Clerk